

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ROBERT KOLINEK, et al.,	}	Docket No. 13 C 4806
Plaintiffs,		
vs.		
WALGREEN CO., an Illinois Corporation,		Chicago, Illinois August 12, 2015 9:30 o'clock a.m.
Defendant.		

TRANSCRIPT OF PROCEEDINGS - MOTION  
BEFORE THE HONORABLE MATTHEW F. KENNELLY

APPEARANCES:

For the Plaintiffs: EDELSON PC  
BY: MR. RAFEY S. BALBANIAN  
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For the Objectors: HOWE LAW LLC  
BY: MR. ARTHUR J. HOWE  
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Court Reporter: MS. CAROLYN R. COX, CSR, RPR, CRR, FCRR  
Official Court Reporter  
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1 (The following proceedings were had in open court:)

2 THE CLERK: 13 C 4806, Kolinek v. Walgreen.

3 MR. BALBANIAN: Good morning, your Honor. Rafey  
4 Balbanian and Ben Richman on behalf of the plaintiff Kolinek  
5 and the settlement class.

6 MR. HOWE: Arthur Howe on behalf of the class  
7 objectors, the Cozby group. In addition --

8 THE COURT: You have a motion to file an appearance  
9 on file somewhere in here.

10 MR. HOWE: Yes, I do.

11 THE COURT: That's granted. That's document number  
12 141. It's a motion to substitute attorneys.

13 MR. HOWE: Your Honor, if I may, Mr. McDonald, who is  
14 lead counsel for the Franz objector, yesterday afternoon  
15 requested that I appear on his behalf as well as local  
16 counsel. I will be filing a motion to substitute on his  
17 behalf as well.

18 THE COURT: Your oral motion to substitute on behalf  
19 of whom?

20 MR. HOWE: The Franz objector, F-r-a-n-z.

21 THE COURT: Do you know his first name?

22 MR. HOWE: Yes, Allen (sic) McDonald is the counsel.

23 THE COURT: Just the name of the person.

24 MR. HOWE: I believe it's --

25 MR. BALBANIAN: It's Melinda, your Honor.

1 MR. HOWE: Melinda.

2 THE COURT: On behalf of Melinda Franz is granted.  
3 You don't have to file a motion. You'll get the order. Just  
4 file your appearance.

5 MR. HOWE: Thank you.

6 THE COURT: What I've got is there's two motions to  
7 -- basically for protective orders or to quash or whatever  
8 they're called relating to discovery, right?

9 MR. HOWE: Yes, your Honor.

10 THE COURT: So I guess -- you know, it doesn't happen  
11 all that often, but I guess I have to say that I am a little  
12 bit concerned that, you know, given the stage that the case is  
13 at, that this discovery would have just gone out without  
14 somebody coming in to ask first because we are talking about  
15 unnamed class members here. I understand that they have  
16 stepped forward because there have been objections filed, but  
17 I am not sure you did this the right way.

18 MR. BALBANIAN: I understand.

19 THE COURT: So what are we talking about?

20 MR. BALBANIAN: I think that's my only weakness,  
21 frankly, on this issue. It didn't occur to me, your Honor,  
22 that I'd have to seek leave of Court. I understand the  
23 Court's discussion I think with class counsel in the Southwest  
24 case, but, frankly, I just didn't know the context of that. I  
25 believe in that case, they included a provision about

1 discovery in their preliminary approval order.

2 THE COURT: Right, which ended up being a bone of  
3 contention actually later on.

4 MR. BALBANIAN: Okay. There wasn't language in that  
5 in this case intentionally or unintentionally. As far as we  
6 were concerned, discovery was open. We had met and conferred  
7 with --

8 THE COURT: There never was a discovery cutoff date  
9 because the case settled in a relatively early stage.

10 MR. BALBANIAN: Yes, and discovery was ongoing  
11 between us and Walgreens, quite frankly. We had met and  
12 conferred with Walgreens' counsel prior to issuing this  
13 discovery on the objectors. I want to be clear. They make  
14 the statement that this is, you know, a vendetta thing against  
15 all objectors. We didn't issue discovery against all the  
16 objectors. There's a number of objectors that we have  
17 completely left alone of course because they have a right to  
18 object. Class members have a right to object. That's not the  
19 issue.

20 The issue is that certain objectors have a past of  
21 being professional objectors and lodging frivolous objections  
22 in order to extract the payout, and in just -- with respect to  
23 these motions before the Court, you only have to look so far  
24 as the Oldham and Hughes objectors, who aren't even class  
25 members, and we alerted their counsel of that. Mr. Brawn

1 (phonetic) -- excuse me, counsel is acting as local counsel  
2 here today, we alerted their attorney of that, and lo and  
3 behold, after a while, he withdrew the objection. And  
4 unfortunately, this is somewhat of the kind of, I don't know,  
5 nastier side of class actions because I have had many cases  
6 where we have sought discovery against certain professional  
7 objectors and I have even had class members call me and say,  
8 hey, guess what, that objection that was filed in my name, I  
9 had no idea it was going to be filed.

10 So this -- a couple of points I want to make about  
11 kind of the timing and everything and that this was meant to  
12 harass or intimidate. I don't view the approval process as  
13 something that would have been finished on the August 5th date  
14 that we just had. I was quite certain that given the  
15 objections and whatnot, and even in the absence of those  
16 objections, I am familiar with this Court's process, I didn't  
17 think final approval is just a one-day type thing. I am  
18 building a record.

19 They have made pretty clear that no matter what, it's  
20 going up. It's going up, and that's fine. It's going to go  
21 up, but I get to make a record if it goes up. I am going to  
22 move for an appeal bond.

23 When it goes up, I am not -- not that I am not, but  
24 they are going to make the argument that at that point, I  
25 can't ask this Court for discovery because this Court has been

1 divested of jurisdiction.

2 THE COURT: Right.

3 MR. BALBANIAN: That actually same exact scenario  
4 happened to me in the Netflix case that was pending before  
5 Judge Davila. It was a huge class too, 62 million people. It  
6 got like a hundred objections, maybe 20 professionals, the  
7 case went up on appeal, but I hadn't issued discovery and I  
8 had to go back to the district court and ask for it, and I was  
9 given that discovery, but guess what, everybody made the  
10 argument that I wasn't even allowed to go back to the district  
11 court. For not seeking leave from this Court, I understand  
12 the Court's concern.

13 THE COURT: Well, we are past that now. Okay. So  
14 you've explained it to me.

15 I'm looking at the attachment to the Franz motion.  
16 Basically, it's essentially a six-item or seven- or eight-item  
17 request for documents. It's for retainer agreements relating  
18 to this case; retainer agreements that the particular objector  
19 had with the same lawyers in other cases; records showing that  
20 you got one of the calls that's at issue, so that would be a  
21 class membership thing I'm assuming; non-privileged documents  
22 that support your objection, we will come back to that;  
23 non-privileged documents including correspondence between you  
24 and any person other than your attorneys that relate to this  
25 action; so, in other words, if they wrote to anybody else;

1 correspondence with other objectors; and then stuff that you  
2 may have filed in other cases in which you acted as an  
3 objector; and then correspondence you had with the lawyers  
4 before the existence of an attorney-client relationship.

5           Okay. So let me add -- Mr. Howe, let me ask you.  
6 Just putting aside questions of timing, putting aside  
7 questions of did they give proper notice under Rule 45,  
8 because that's a curable defect, talk to me about the  
9 substance of what's being asked for; and if you think that  
10 it's not appropriate, tell me why.

11           MR. HOWE: Two points, your Honor. First, the  
12 Seventh Circuit has counseled long ago in the Clark case  
13 (1974) that class counsel has a, quote, severe, close quote,  
14 burden if they wish to seek discovery of a class member or an  
15 objector.

16           THE COURT: Did Clark -- that's a pretty old case.

17           MR. HOWE: Right, but --

18           THE COURT: Did it come up in this context?

19           MR. HOWE: Yes, it did, your Honor.

20           THE COURT: Okay.

21           MR. HOWE: And they need to show necessity and the  
22 absence of an improper motive to seek -- to take discovery  
23 with respect to class members.

24           I've looked and my co-counsel has looked through the  
25 Northern District of Illinois cases. We have not seen a

1 single case that has allowed the discovery that is being  
2 sought here.

3 THE COURT: Did you see any that disallowed it?

4 MR. HOWE: I had seen cases from other circuits that  
5 have disallowed it, and I have seen many cases --

6 THE COURT: You are talking about Northern District.  
7 I know why that is. Nobody is going to write an opinion on  
8 this. They have too much else to do. These things are going  
9 to get ruled on orally like I am going to do today.

10 MR. HOWE: There are some slip opinions, your Honor,  
11 and if your Honor will permit me, since their motion was  
12 submitted, I can cite to additional cases.

13 THE COURT: Sure.

14 MR. HOWE: If you wish, for the record --

15 THE COURT: Go for it.

16 MR. HOWE: -- I can put these in the form of a  
17 letter.

18 THE COURT: Just tell me.

19 MR. HOWE: Daniels v. LifeLock Marketing. The docket  
20 number is 10 CV 1554 IEG. It's Southern District of  
21 California. The date is July 29, 2010.

22 THE COURT: Is there a West Law cite or something?

23 MR. HOWE: I do not have that with me, your Honor.  
24 The other is Van Horn v. Nationwide, docket 108 CV 605,  
25 Northern District of Ohio.



1 THE COURT: That doesn't do me any good unless you  
2 are going to give me a citation of something I can go find.

3 MR. HOWE: As soon as I am back in the office, your  
4 Honor, I will kick a letter over to the Court which I will  
5 file electronically and provide it to other counsel with the  
6 citations, and, in fact, I can provide copies of the opinions.

7 Yes, there are -- returning to my first point, there  
8 are courts that have struck down the discovery for this  
9 precise reason, because the burden has not been met, and in  
10 addition, at this stage of the litigation, which is no longer  
11 an adversarial stage, the role --

12 THE COURT: It's not? You could have fooled me.

13 MR. HOWE: Well, not with respect to the issue of the  
14 approval of the settlement. Walgreens and class counsel are  
15 in agreement on this, and Walgreens has --

16 THE COURT: Wait a second. Why are you here?

17 MR. HOWE: Well, I am here because the objector plays  
18 a role --

19 THE COURT: Because you're objecting.

20 MR. HOWE: Right. The objector now plays the role of  
21 the adversary which is necessary to the Court.

22 THE COURT: Don't tell me it's not an adversarial  
23 proceeding because it is.

24 MR. HOWE: It's no longer adversarial vis-à-vis class  
25 counsel and Walgreens.

1 THE COURT: But they are not asking for discovery  
2 from Walgreens. They are asking for discovery from the person  
3 that you just said is their adversary.

4 MR. HOWE: Your Honor, on to my second point, the  
5 discovery here is simply overbroad. It is --

6 THE COURT: Let me go back to something you said  
7 before. Clark, the case you -- the Seventh Circuit case you  
8 cited --

9 MR. HOWE: Yes, your Honor.

10 THE COURT: -- I asked you a question, did that come  
11 up in this context, and you told me yes. Do you want to think  
12 that through again?

13 MR. HOWE: I believe --

14 THE COURT: When I say "this context," I mean in the  
15 context of an objection to a settlement and a request for  
16 discovery from the objectors.

17 MR. HOWE: No, not with respect to objections.

18 THE COURT: That's the context that we are dealing  
19 with. Clark, from my recollection -- and I will -- I am  
20 pulling it up right now, but from my recollection, because I  
21 have had to read Clark in the past, that is a case about  
22 whether the defendant in the lawsuit, while it's still  
23 adversarial between the class or the putative class and the  
24 defendant, whether the defendant can get discovery from  
25 unnamed class members. That's something that comes up quite a

1 bit in class actions where the defendant wants to go -- for  
2 example, employment cases, where the defendant wants to go  
3 take the depositions of people who are part of the class but  
4 not named class members. So I am going to look at this now.  
5 Do you want to revisit your answer? You gave me an equivocal  
6 answer.

7 MR. HOWE: I will revise my answer. I do not believe  
8 Clark dealt with the precise context.

9 THE COURT: Okay. Is there any Seventh Circuit case  
10 that talks about discovery in this context, this context being  
11 objections that have been made to a settlement and one of the  
12 parties that's promoting the settlement or advocating the  
13 settlement asks for discovery from one of the objecting  
14 parties.

15 MR. HOWE: I am not aware of a Seventh Circuit case.

16 THE COURT: Okay.

17 MR. HOWE: I am aware of other authority and --

18 THE COURT: Circuit-level authority?

19 MR. HOWE: Yes, cited in the motion. In addition,  
20 your Honor, *Federal Class Action Manual* by Timothy Eble --

21 THE COURT: Yes.

22 MR. HOWE: -- states --

23 THE COURT: I am not sure I know who that is, but  
24 whatever.

25 MR. HOWE: -- Discovery after certification of a

1 class which is directed to individual absent class members  
2 should be permitted only to the extent necessary, and  
3 that's --

4 THE COURT: That's the same context. You got to keep  
5 on point here. That is the same context as what we were just  
6 talking about. That's where the defendant can get discovery  
7 from an unnamed class member in a case where a class has been  
8 certified.

9 What we are talking here about is about discovery of  
10 an objector to a settlement that relates to the objection. So  
11 I am now looking through your motion to find where the  
12 circuit-level authority is relating to that that you just  
13 referred to. Tell me what page of your motion I should be  
14 looking at.

15 MR. HOWE: Bear with me one moment, your Honor.

16 Page 8.

17 THE COURT: Page 8. I must be looking at the wrong  
18 motion then because the one I'm looking at doesn't have a  
19 page 8.

20 MR. HOWE: I am looking at the --

21 THE COURT: I am looking at the Franz motion. I  
22 should be looking at the Bullard motion?

23 MR. HOWE: I have the Cozby motion, which is  
24 document --

25 THE COURT: I've got it. Cozby, right. It's docket

1 number 144.

2 MR. HOWE: Right.

3 THE COURT: Let me just find page 8. Just a second.

4 MR. HOWE: And that cite, as your Honor is familiar  
5 with, the Leavitt decision --

6 THE COURT: That was a district court. I know that I  
7 am not on the Court of Appeals.

8 MR. HOWE: Right.

9 THE COURT: So where in your motion do I find the  
10 circuit-level authority, circuit, in other words, being from a  
11 Court of Appeals, that says that this kind of discovery is not  
12 appropriate?

13 MR. HOWE: Page 10, Fine Paper.

14 THE COURT: Page 10.

15 MR. HOWE: Third Circuit.

16 THE COURT: All right. I am going to pull that case  
17 up now, and I'll bet you the change in my pocket that it's  
18 going to say that the district judge didn't abuse his  
19 discretion, not that he had to disallow it. 751 F.3d 562 at  
20 587.

21 MR. HOWE: Your Honor, pretty much the context of  
22 what we cited in our moving paper. The Court of Appeals  
23 affirmed the district court's, quote, Refusal to permit an  
24 already cluttered record to be further confused by an inquiry  
25 so completely collateral to the central issue of

1     reasonableness of the fees request, close quote.

2             THE COURT: But we've got more at issue here than the  
3     reasonableness of the fees. People are objecting to the  
4     settlement itself, right?

5             MR. BALBANIAN: Yes, your Honor, just to answer the  
6     question.

7             THE COURT: I am pretty sure that's the case.

8             Hang on just a second. Let me just find this opinion  
9     here.

10            Okay. So what the Court was dealing with there -- I  
11     am going to quote you the entire paragraph. It's basically  
12     three sentences. This is In Re Fine Paper, antitrust  
13     litigation, 751 F.2d 562 at page 587 (3rd Cir. 1984). Quote,  
14     Lawrence Walner & Associates, Ltd., moved to have the Court  
15     require the disclosure in camera of fees paid by the settling  
16     defendants in the underlying litigation and by the corporate  
17     objectors in this and other antitrust litigation. This  
18     request was made for the purpose of enlightening the Court as  
19     to reasonable hours and hourly rates for comparable lawyers in  
20     complex litigation. The information sought certainly was  
21     relevant and arguably even helpful, citing several cases.  
22     Discovery rulings are reviewed, however, for abuse of  
23     discretion. Considering all the evidence offered on hours and  
24     rates and the likelihood that such discovery would generate  
25     inquiries into collateral matters such as privilege, we cannot

1 hold that the Court abused its discretion in denying the  
2 motion. Fortunately, though, I think I only have 37 cents in  
3 my pocket, so I would have won that bet.

4 It doesn't strike me that it involved the same  
5 issues. And, by the way, the Court said it was relevant.  
6 Basically, what the Court concluded -- what the Third Circuit  
7 concluded is that the judge had plenty of information about  
8 hourly rates, it didn't need any more. I have no information  
9 about the objectors, zip, none.

10 So give me some reason why you think that this is a  
11 bad idea, because an appeal to the judge's discretion, which  
12 is what we are talking about here, has to do with whether it  
13 is a good idea and makes sense or not. So tell me why you  
14 think this doesn't make sense or is irrelevant or whatever.

15 MR. HOWE: Two reasons. First, generic to the class;  
16 second, specific to the class members.

17 First, the system should be set up in order to  
18 facilitate and encourage legitimate objections to be brought.  
19 If objectors know that they are going to be subject to  
20 discovery, it's going to have a deterrent effect and make it  
21 less likely that objections will be brought, low chance of any  
22 type of compensation, certainty of a burden. It will inhibit  
23 what you seek to encourage, which is having an objector come  
24 in so that you can have legitimate objectors -- objections  
25 being stated.

1           Second, your Honor, specific to the class, you know  
2 everything that there is for you to know with respect which is  
3 the objection that has been stated, and the identity of the  
4 particular objector or the identity of their counsel, to be  
5 honest, does not affect the legitimacy or the validity of any  
6 objection that is to be asserted.

7           Class counsel already has filed its response to the  
8 objections that have been made. They did so without seeking  
9 to get an extension in order to take the discovery. The  
10 record is already prepared. Your Honor can rule with respect  
11 to the objections, and there is no need to know whether there  
12 was an objection that some lawyer filed in some other case  
13 which is unrelated.

14           And I will note, your Honor, as a point of personal  
15 privilege, I have heard class counsel say several times this  
16 morning talking about professional objections and talking  
17 about objections being frivolous, Rule 11 applies here. If  
18 they think that something is frivolous, they should be sending  
19 a safe harbor letter, and we will respond accordingly. And  
20 with respect to professional objections, I have never objected  
21 to a class action settlement before.

22           THE COURT: They are not necessarily talking about  
23 you.

24           MR. BALBANIAN: I am not, your Honor.

25           MR. HOWE: And I have worked for a long time with the



1 folks at Plews Shadley. This is the first time with  
2 Mr. McDonald, but those lawyers are very good lawyers, and to  
3 denigrate them by suggesting that their work is frivolous or  
4 that their work is simply a professional objector has no  
5 basis.

6 THE COURT: Let me ask a couple of questions here.

7 So did you send any discovery requests to any  
8 objector who hadn't retained counsel?

9 MR. BALBANIAN: One only, because we learned that it  
10 had been ghost written by a professional objector.

11 THE COURT: Okay. Secondly, are you -- with the  
12 deposition subpoena, are you actually looking for testimony or  
13 are you just looking for records or both?

14 MR. BALBANIAN: Both. Can I just --

15 THE COURT: Respond to what Mr. Howe has said.

16 MR. BALBANIAN: A couple quick points.

17 I want to address real quick what he just finished  
18 with. I didn't serve discovery on Mr. Howe.

19 THE COURT: You know what? I am going to save you  
20 your breath. I do not care about, you know, whether somebody  
21 thinks somebody's made unwarranted accusations or not. I am  
22 not going to decide that today. It has no bearing on what I  
23 have to decided today, none. That may be an issue at a later  
24 point in time, none. Just respond on the merits of what he  
25 said.

1 MR. BALBANIAN: Understood.

2 THE COURT: Basically, he says it's going to chill  
3 people from filing objections.

4 MR. BALBANIAN: Chilling effect. He is wrong. I can  
5 point the Court to an objector who objected to my Netflix  
6 settlement, and that case was a blood bath. No offense to use  
7 that terminology in court. That case was unbelievably  
8 contentious when it came to the objections, and every one of  
9 those objections was eventually withdrawn because those  
10 objectors had real issues in that case. They are in this case  
11 too. There is no chilling effect on these people, no offense.  
12 This is their business, and that's fine. It is what it is.  
13 But this is how we deal with each other.

14 You know, they object and they make arguments that  
15 are less than I think meritorious and are contradicted by the  
16 law. They've got a past of making the exact same objections,  
17 copying and pasting the exact same objections, and that  
18 absolutely goes to the merit of the objection, it goes to the  
19 motivations behind it, that goes to appeal issues, bond  
20 issues, all of that.

21 So to the second point as far as timing, I think  
22 they're just wrong. We are allowed to build a record, and I  
23 can point the Court to scores of district-level cases where  
24 this type of discovery has been allowed time and again.

25 The other issue here is -- and I think it's happening

1 in this case more than I've seen in the past, but you've got a  
2 ghost writing problem in this case. That's a real issue.  
3 They point to the Seventh Circuit's opinion in Pearson and  
4 Redman v. RadioShack talking about the utility of objectors.  
5 Judge Posner even commended an individual. His name is Ted  
6 Frank. I think he objected to the Southwest settlement that  
7 was before this court. Mr. Frank just came out with an  
8 affidavit that says that he moonlights and he writes  
9 objections for some of the more notorious objectors like  
10 Christopher Bandas and Darrell Palmer, who, by the way, has  
11 been disbarred, and Mr. Palmer is the individual whose client  
12 contacted me in the Netflix case saying I never signed up for  
13 this. That guy tells courts -- I am saying Mr. Frank -- that  
14 he doesn't take any money for these types of cases, that this  
15 is just done to protect class members. But at the end of the  
16 day, he came out with an affidavit in the Capital One case  
17 that was in front of Judge Holderman saying, well, I actually  
18 did moonlight for some of these objections.

19 THE COURT: I am going to cut this short.

20 In terms of having served the subpoena on other  
21 parties, there's actually only one other party to the case,  
22 and that's Walgreens. At what point did you serve Walgreens  
23 with the subpoena? At the same time?

24 MR. BALBANIAN: Yes, and I conferred with them prior  
25 to it.

1           THE COURT: I don't regard the objectors as parties  
2 because, quite frankly, Mr. Howe, you just argued that they  
3 weren't, and so I don't think that there's any requirement  
4 that you have to serve all objectors with the subpoena. And I  
5 think that if there's a violation of Rule 45 for having served  
6 Walgreens simultaneously or close to simultaneously, it's  
7 harmless.

8           This is the way we're going to proceed. I'm  
9 enforcing the subpoena to the extent it requests documents. I  
10 am putting a hold for the moment on the subpoena to the extent  
11 it requests a deposition. We are going to kind of see where  
12 we get. I don't think that the subpoena is overbroad with  
13 perhaps one exception, which I will tell you about in one  
14 second here once I pull it back up again.

15           MR. HOWE: Your Honor, might I be heard briefly?

16           THE COURT: I have heard you and I am ruling. Might  
17 you not interrupt me while I am ruling.

18           Going back to the state request and the subpoena, I  
19 think the time frame is a little bit overbroad. I'm only  
20 going to run it back to 2010. I don't think it's overly broad  
21 if it goes back to 2010 because it's asking for objections in  
22 other cases. I think five years is enough.

23           MR. BALBANIAN: Yes, your Honor.

24           THE COURT: I think the requests for retainer  
25 agreements are relevant, I think the requests for documents

1 that show whether the person is actually a class member is  
2 relevant, and the rest of it I think directly relates to  
3 matters that are potentially an issue in the case.

4 So the subpoena is enforced with the one  
5 modification. The subpoenas, rather, for documents are  
6 enforced with the one modification, and so the motion to  
7 quash -- and one of them is called Motion to Quash, that's  
8 document 145. The other is called Motion to Quash For a  
9 Protective Order and to Stay Discovery, that's 144. They are  
10 denied in part and deferred in part. The part that's deferred  
11 is the part about live depositions. They are to be complied  
12 with by a week from today, so the compliance date is moved to  
13 the 19th of August. When am I having you coming back?

14 MR. BALBANIAN: The 24th, your Honor.

15 THE COURT: If you think on the 24th that there's  
16 more that you need, if you really need a deposition, we will  
17 talk about that then.

18 MR. BALBANIAN: Yes, your Honor.

19 THE COURT: Let's see. I just want to make sure I've  
20 covered what I needed to cover here.

21 I have two other unrelated items about class member  
22 issues that I needed to raise with class counsel, but that's  
23 all I've got on this.

24 I received yesterday afternoon -- I received  
25 yesterday afternoon a claim form from somebody named

1 Geannoris, G-e-a-n-n-o-r-i-s, Green. It's dated June 23rd.  
2 And there is a note on it that says, This was filed before a  
3 court date, I mailed it in June. The problem is I didn't get  
4 an envelope. What I got was something with a little Post-it  
5 note on the back which means just in my experience in court is  
6 that it got sent somewhere else first and somebody has  
7 forwarded it to me. I am going to give this to you.

8 The second question is that my courtroom deputy got a  
9 number of calls from a person who wants to opt out and is  
10 having a hard time figuring that out.

11 MR. BALBANIAN: We have spoken with that individual.  
12 We are trying to work it out.

13 THE COURT: What was the name of the person, Pam, the  
14 last name?

15 MR. BALBANIAN: Minks.

16 THE COURT: Minks, that's it.

17 MR. BALBANIAN: Yeah, we are speaking with Ms. Minks.

18 THE COURT: Unless there is anything else that I  
19 haven't ruled on, see you on the 24th.

20 MR. BALBANIAN: Thank you, your Honor.

21 MR. HOWE: Thank you.

22 (Which were all the proceedings had in the above-entitled  
23 cause on the day and date aforesaid.)  
24  
25

1 I certify that the foregoing is a correct transcript from  
2 the record of proceedings in the above-entitled matter.

3 \_\_\_\_\_  
4 Carolyn R. Cox  
5 Official Court Reporter  
6 Northern District of Illinois

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Date

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/s/Carolyn R. Cox, CSR, RPR, CRR, FCRR

<p style="text-align: center;"><b>/</b></p> <p><b>/s/Carolyn</b> [1] - 23:5</p> <p style="text-align: center;"><b>1</b></p> <p><b>10</b> [3] - 8:20, 13:13, 13:14  <b>108</b> [1] - 8:24  <b>11</b> [1] - 16:17  <b>13</b> [1] - 2:2  <b>141</b> [1] - 2:12  <b>144</b> [2] - 13:1, 21:9  <b>145</b> [1] - 21:8  <b>1554</b> [1] - 8:20  <b>1974</b> [1] - 7:13  <b>1984</b> [1] - 14:13  <b>19th</b> [1] - 21:13</p>	<p style="text-align: center;"><b>A</b></p> <p><b>above-entitled</b> [2] - 22:22, 23:1  <b>absence</b> [2] - 5:15, 7:22  <b>absent</b> [1] - 12:1  <b>absolutely</b> [1] - 18:18  <b>abuse</b> [2] - 13:18, 14:22  <b>abused</b> [1] - 15:1  <b>accordingly</b> [1] - 16:19  <b>accusations</b> [1] - 17:21  <b>acted</b> [1] - 7:2  <b>acting</b> [1] - 5:1  <b>action</b> [2] - 6:25, 16:21  <b>Action</b> [1] - 11:20  <b>actions</b> [2] - 5:5, 11:1  <b>add</b> [1] - 7:5  <b>addition</b> [3] - 2:7, 9:10, 11:19  <b>additional</b> [1] - 8:12  <b>address</b> [1] - 17:17  <b>adversarial</b> [4] - 9:11, 9:22, 9:24, 10:23  <b>adversary</b> [2] - 9:21, 10:3  <b>advocating</b> [1] - 11:12  <b>affect</b> [1] - 16:5  <b>affidavit</b> [2] - 19:8, 19:16  <b>affirmed</b> [1] - 13:23  <b>aforsaid</b> [1] - 22:23  <b>afternoon</b> [3] - 2:14, 21:24, 21:25  <b>ago</b> [1] - 7:12  <b>agreement</b> [1] - 9:15  <b>agreements</b> [3] - 6:17, 6:18, 20:25  <b>alerted</b> [2] - 4:25, 5:2  <b>Allen</b> [1] - 2:22  <b>allowed</b> [4] - 6:10, 8:1, 18:22, 18:24  <b>alone</b> [1] - 4:17  <b>answer</b> [4] - 11:5, 11:6, 11:7, 14:5  <b>antitrust</b> [2] - 14:12, 14:17  <b>appeal</b> [4] - 5:22, 6:7, 15:11, 18:19  <b>Appeals</b> [3] - 13:7, 13:11, 13:22  <b>appear</b> [1] - 2:15  <b>appearance</b> [2] - 2:8, 3:4  <b>applies</b> [1] - 16:17  <b>appropriate</b> [2] - 7:10, 13:12  <b>approval</b> [4] - 4:1, 5:12, 5:17, 9:14  <b>arguably</b> [1] - 14:21  <b>argued</b> [1] - 20:2  <b>argument</b> [2] - 5:24, 6:10  <b>arguments</b> [1] - 18:14  <b>Arthur</b> [1] - 2:6  <b>aside</b> [2] - 7:6  <b>asserted</b> [1] - 16:6  <b>Associates</b> [1] - 14:14  <b>assuming</b> [1] - 6:21  <b>attachment</b> [1] - 6:15  <b>attorney</b> [2] - 5:2, 7:4  <b>attorney-client</b> [1] - 7:4  <b>attorneys</b> [2] - 2:12, 6:24  <b>August</b> [2] - 5:13, 21:13  <b>authority</b> [4] - 11:17, 11:18, 12:12, 13:10</p>	<p><b>aware</b> [2] - 11:15, 11:17</p> <p style="text-align: center;"><b>B</b></p> <p><b>bad</b> [1] - 15:11  <b>BALBANIAN</b> [22] - 2:3, 2:25, 3:18, 3:20, 4:4, 4:10, 6:3, 14:5, 16:24, 17:9, 17:14, 17:16, 18:1, 18:4, 19:24, 20:23, 21:14, 21:18, 22:11, 22:15, 22:17, 22:20  <b>Balbanian</b> [1] - 2:4  <b>Bandas</b> [1] - 19:10  <b>basis</b> [1] - 17:5  <b>bath</b> [1] - 18:6  <b>bear</b> [1] - 12:15  <b>bearing</b> [1] - 17:22  <b>behalf</b> [6] - 2:4, 2:6, 2:15, 2:17, 2:18, 3:2  <b>behind</b> [1] - 18:19  <b>behold</b> [1] - 5:3  <b>Ben</b> [1] - 2:4  <b>bet</b> [2] - 13:17, 15:3  <b>between</b> [3] - 4:11, 6:23, 10:23  <b>bit</b> [3] - 3:12, 11:1, 20:19  <b>blood</b> [1] - 18:6  <b>bond</b> [2] - 5:22, 18:19  <b>bone</b> [1] - 4:2  <b>brawn</b> [1] - 4:25  <b>breath</b> [1] - 17:20  <b>briefly</b> [1] - 20:15  <b>broad</b> [1] - 20:20  <b>brought</b> [2] - 15:18, 15:21  <b>build</b> [1] - 18:22  <b>building</b> [1] - 5:18  <b>Bullard</b> [1] - 12:22  <b>burden</b> [3] - 7:14, 9:9, 15:22  <b>business</b> [1] - 18:12</p> <p style="text-align: center;"><b>C</b></p> <p><b>California</b> [1] - 8:21  <b>camera</b> [1] - 14:15  <b>cannot</b> [1] - 14:25  <b>Capital</b> [1] - 19:16  <b>care</b> [1] - 17:20  <b>Carolyn</b> [1] - 23:3  <b>case</b> [30] - 3:12, 3:24, 3:25, 4:5, 4:9, 6:4, 6:7, 6:18, 7:12, 7:16, 8:1, 10:7, 10:21, 11:9, 11:15, 12:7, 13:16, 14:7, 16:12, 18:6, 18:7, 18:10, 19:1, 19:2, 19:12, 19:16, 19:21, 21:3  <b>cases</b> [12] - 5:5, 6:19, 7:2, 7:25, 8:4, 8:5, 8:12, 11:2, 14:21, 18:23, 19:14, 20:22  <b>central</b> [1] - 13:25  <b>cents</b> [1] - 15:2  <b>certain</b> [3] - 4:20, 5:6, 5:14  <b>certainly</b> [1] - 14:20  <b>certainty</b> [1] - 15:22</p>
<p style="text-align: center;"><b>2</b></p>		
<p><b>20</b> [1] - 6:6  <b>2010</b> [3] - 8:21, 20:20, 20:21  <b>23rd</b> [1] - 22:1  <b>24th</b> [3] - 21:14, 21:15, 22:19  <b>29</b> [1] - 8:21</p>		
<p style="text-align: center;"><b>3</b></p>		
<p><b>37</b> [1] - 15:2  <b>3rd</b> [1] - 14:13</p>		
<p style="text-align: center;"><b>4</b></p>		
<p><b>45</b> [2] - 7:7, 20:5  <b>4806</b> [1] - 2:2</p>		
<p style="text-align: center;"><b>5</b></p>		
<p><b>562</b> [2] - 13:19, 14:13  <b>587</b> [2] - 13:20, 14:13  <b>5th</b> [1] - 5:13</p> <p style="text-align: center;"><b>6</b></p> <p><b>605</b> [1] - 8:24  <b>62</b> [1] - 6:5</p>		
<p style="text-align: center;"><b>7</b></p>		
<p><b>751</b> [2] - 13:19, 14:13</p>		
<p style="text-align: center;"><b>8</b></p>		
<p><b>8</b> [4] - 12:16, 12:17, 12:19, 13:3</p>		



<p><b>certification</b> [1] - 11:25  <b>certified</b> [1] - 12:8  <b>certify</b> [1] - 23:1  <b>chance</b> [1] - 15:21  <b>change</b> [1] - 13:17  <b>chill</b> [1] - 18:2  <b>chilling</b> [2] - 18:4, 18:11  <b>Christopher</b> [1] - 19:10  <b>Cir</b> [1] - 14:13  <b>Circuit</b> [6] - 7:12, 10:7, 11:9, 11:15, 13:15, 15:6  <b>circuit</b> [4] - 11:18, 12:12, 13:10  <b>Circuit's</b> [1] - 19:3  <b>circuit-level</b> [3] - 11:18, 12:12, 13:10  <b>circuits</b> [1] - 8:4  <b>citation</b> [1] - 9:2  <b>citations</b> [1] - 9:6  <b>cite</b> [3] - 8:12, 8:22, 13:4  <b>cited</b> [3] - 10:8, 11:19, 13:22  <b>citing</b> [1] - 14:21  <b>claim</b> [1] - 21:25  <b>Clark</b> [6] - 7:12, 7:16, 10:7, 10:19, 10:21, 11:8  <b>class</b> [35] - 2:5, 2:6, 3:15, 3:23, 4:18, 4:24, 5:5, 5:7, 6:5, 6:21, 7:13, 7:14, 7:23, 9:14, 9:24, 10:23, 10:25, 11:1, 11:3, 11:4, 12:1, 12:7, 15:15, 15:16, 16:1, 16:7, 16:15, 16:21, 19:15, 21:1, 21:21, 21:22  <b>Class</b> [1] - 11:20  <b>clear</b> [2] - 4:13, 5:19  <b>CLERK</b> [1] - 2:2  <b>client</b> [2] - 7:4, 19:11  <b>close</b> [3] - 7:13, 14:1, 20:6  <b>cluttered</b> [1] - 13:24  <b>co</b> [1] - 7:24  <b>co-counsel</b> [1] - 7:24  <b>collateral</b> [2] - 13:25, 14:25  <b>coming</b> [2] - 3:14, 21:13  <b>commended</b> [1] - 19:5  <b>comparable</b> [1] - 14:19  <b>compensation</b> [1] - 15:22  <b>completely</b> [2] - 4:17, 13:25  <b>complex</b> [1] - 14:20  <b>compliance</b> [1] - 21:12  <b>complied</b> [1] - 21:11  <b>concern</b> [1] - 6:12  <b>concerned</b> [2] - 3:12, 4:6  <b>concluded</b> [2] - 15:6, 15:7  <b>conferred</b> [3] - 4:6, 4:12, 19:24  <b>confused</b> [1] - 13:24  <b>considering</b> [1] - 14:23  <b>contacted</b> [1] - 19:12  <b>contention</b> [1] - 4:3  <b>contentious</b> [1] - 18:8  <b>context</b> [12] - 3:24, 7:18, 10:11, 10:14, 10:15, 10:18, 11:8, 11:10, 12:4, 12:5, 13:21  <b>contradicted</b> [1] - 18:15  <b>copies</b> [1] - 9:6  <b>copying</b> [1] - 18:17</p>	<p><b>corporate</b> [1] - 14:16  <b>correct</b> [1] - 23:1  <b>correspondence</b> [3] - 6:23, 7:1, 7:3  <b>counsel</b> [18] - 2:14, 2:16, 2:22, 3:23, 4:12, 4:25, 5:1, 7:13, 7:24, 9:5, 9:14, 9:25, 16:4, 16:7, 16:15, 17:8, 21:22  <b>counseled</b> [1] - 7:12  <b>couple</b> [3] - 5:10, 17:6, 17:16  <b>course</b> [1] - 4:17  <b>court</b> [8] - 2:1, 6:8, 6:11, 13:6, 18:7, 19:7, 22:3, 22:5  <b>Court</b> [19] - 3:22, 4:23, 5:25, 6:11, 9:4, 9:21, 13:7, 13:11, 13:22, 14:10, 14:14, 14:18, 15:1, 15:5, 15:6, 18:5, 18:23, 23:3  <b>COURT</b> [63] - 2:8, 2:11, 2:18, 2:21, 2:23, 3:2, 3:6, 3:10, 3:19, 4:2, 4:8, 6:2, 6:13, 7:16, 7:18, 7:20, 8:3, 8:6, 8:13, 8:15, 8:18, 8:22, 9:1, 9:12, 9:16, 9:19, 9:22, 10:1, 10:6, 10:10, 10:14, 10:18, 11:9, 11:16, 11:18, 11:21, 11:23, 12:4, 12:17, 12:21, 12:25, 13:3, 13:6, 13:9, 13:14, 13:16, 14:2, 14:7, 16:22, 17:6, 17:11, 17:15, 17:19, 18:2, 19:19, 20:1, 20:16, 20:24, 21:15, 21:19, 22:13, 22:16, 22:18  <b>court's</b> [1] - 13:23  <b>Court's</b> [3] - 3:23, 5:16, 6:12  <b>courtroom</b> [1] - 22:8  <b>courts</b> [2] - 9:8, 19:13  <b>cover</b> [1] - 21:20  <b>covered</b> [1] - 21:20  <b>Cox</b> [2] - 23:3, 23:5  <b>Cozby</b> [3] - 2:7, 12:23, 12:25  <b>CRR</b> [1] - 23:5  <b>CSR</b> [1] - 23:5  <b>curable</b> [1] - 7:8  <b>cut</b> [1] - 19:19  <b>cutoff</b> [1] - 4:8  <b>CV</b> [2] - 8:20, 8:24</p>	<p><b>deferred</b> [2] - 21:10  <b>denied</b> [1] - 21:10  <b>denigrate</b> [1] - 17:3  <b>denying</b> [1] - 15:1  <b>deposition</b> [3] - 17:12, 20:11, 21:16  <b>depositions</b> [2] - 11:3, 21:11  <b>deputy</b> [1] - 22:8  <b>deterrent</b> [1] - 15:20  <b>directed</b> [1] - 12:1  <b>directly</b> [1] - 21:2  <b>disallow</b> [1] - 13:19  <b>disallowed</b> [2] - 8:3, 8:5  <b>disbarred</b> [1] - 19:11  <b>disclosure</b> [1] - 14:15  <b>Discovery</b> [2] - 11:25, 21:9  <b>discovery</b> [33] - 3:8, 3:13, 4:1, 4:6, 4:8, 4:10, 4:13, 4:15, 5:6, 5:25, 6:7, 6:9, 7:14, 7:22, 8:1, 9:8, 10:1, 10:2, 10:5, 10:16, 10:24, 11:10, 11:13, 12:6, 12:9, 13:11, 14:22, 14:24, 15:20, 16:9, 17:7, 17:18, 18:24  <b>discretion</b> [4] - 13:19, 14:23, 15:1, 15:11  <b>discussion</b> [1] - 3:23  <b>District</b> [5] - 7:25, 8:6, 8:20, 8:25, 23:4  <b>district</b> [6] - 6:8, 6:10, 13:6, 13:18, 13:23, 18:23  <b>district-level</b> [1] - 18:23  <b>divested</b> [1] - 6:1  <b>docket</b> [3] - 8:19, 8:24, 12:25  <b>document</b> [3] - 2:11, 12:24, 21:8  <b>documents</b> [6] - 6:17, 6:21, 6:23, 20:9, 20:25, 21:5  <b>done</b> [1] - 19:15  <b>down</b> [1] - 9:8</p>
	<p style="text-align: center;"><b>D</b></p> <p><b>Daniels</b> [1] - 8:19  <b>Darrell</b> [1] - 19:10  <b>Date</b> [1] - 23:3  <b>date</b> [6] - 4:8, 5:13, 8:21, 21:12, 22:3, 22:23  <b>dated</b> [1] - 22:1  <b>Davila</b> [1] - 6:5  <b>deal</b> [1] - 18:13  <b>dealing</b> [2] - 10:18, 14:10  <b>dealt</b> [1] - 11:8  <b>decide</b> [1] - 17:22  <b>decided</b> [1] - 17:23  <b>decision</b> [1] - 13:5  <b>defect</b> [1] - 7:8  <b>defendant</b> [6] - 10:22, 10:24, 11:1, 11:2, 12:6  <b>defendants</b> [1] - 14:16</p>	<p style="text-align: center;"><b>E</b></p> <p><b>early</b> [1] - 4:9  <b>Eble</b> [1] - 11:20  <b>effect</b> [3] - 15:20, 18:4, 18:11  <b>eight</b> [1] - 6:16  <b>eight-item</b> [1] - 6:16  <b>electronically</b> [1] - 9:5  <b>employment</b> [1] - 11:2  <b>encourage</b> [2] - 15:18, 15:23  <b>end</b> [1] - 19:15  <b>ended</b> [1] - 4:2  <b>enforced</b> [2] - 21:4, 21:6  <b>enforcing</b> [1] - 20:9  <b>enlightening</b> [1] - 14:18  <b>entire</b> [1] - 14:11  <b>entitled</b> [2] - 22:22, 23:1  <b>envelope</b> [1] - 22:4  <b>equivocal</b> [1] - 11:5  <b>essentially</b> [1] - 6:16  <b>eventually</b> [1] - 18:9  <b>evidence</b> [1] - 14:23  <b>exact</b> [3] - 6:3, 18:16, 18:17  <b>example</b> [1] - 11:2</p>

<b>exception</b> <sup>[1]</sup> - 20:13 <b>excuse</b> <sup>[1]</sup> - 5:1 <b>existence</b> <sup>[1]</sup> - 7:4 <b>experience</b> <sup>[1]</sup> - 22:5 <b>explained</b> <sup>[1]</sup> - 6:14 <b>extension</b> <sup>[1]</sup> - 16:9 <b>extent</b> <sup>[3]</sup> - 12:2, 20:9, 20:10 <b>extract</b> <sup>[1]</sup> - 4:22	<b>group</b> <sup>[1]</sup> - 2:7 <b>guess</b> <sup>[4]</sup> - 3:10, 3:11, 5:8, 6:9 <b>guy</b> <sup>[1]</sup> - 19:13	19:2, 21:3 <b>issued</b> <sup>[1]</sup> - 6:7 <b>issues</b> <sup>[5]</sup> - 15:5, 18:10, 18:19, 18:20, 21:22 <b>issuing</b> <sup>[1]</sup> - 4:12 <b>item</b> <sup>[2]</sup> - 6:16 <b>items</b> <sup>[1]</sup> - 21:21 <b>itself</b> <sup>[1]</sup> - 14:4
<b>F</b>	<b>H</b>	<b>J</b>
<b>F-r-a-n-z</b> <sup>[1]</sup> - 2:20 <b>F.2d</b> <sup>[1]</sup> - 14:13 <b>F.3d</b> <sup>[1]</sup> - 13:19 <b>facilitate</b> <sup>[1]</sup> - 15:18 <b>fact</b> <sup>[1]</sup> - 9:6 <b>familiar</b> <sup>[2]</sup> - 5:16, 13:4 <b>far</b> <sup>[3]</sup> - 4:5, 4:23, 18:21 <b>FCRR</b> <sup>[1]</sup> - 23:5 <b>Federal</b> <sup>[1]</sup> - 11:20 <b>fees</b> <sup>[3]</sup> - 14:1, 14:3, 14:15 <b>figuring</b> <sup>[1]</sup> - 22:10 <b>file</b> <sup>[5]</sup> - 2:8, 2:9, 3:3, 3:4, 9:5 <b>filed</b> <sup>[7]</sup> - 3:16, 5:8, 5:9, 7:2, 16:7, 16:12, 22:2 <b>filing</b> <sup>[2]</sup> - 2:16, 18:3 <b>final</b> <sup>[1]</sup> - 5:17 <b>Fine</b> <sup>[2]</sup> - 13:13, 14:12 <b>fine</b> <sup>[2]</sup> - 5:20, 18:12 <b>finished</b> <sup>[2]</sup> - 5:13, 17:17 <b>first</b> <sup>[8]</sup> - 2:21, 3:14, 7:11, 9:7, 15:15, 15:17, 17:1, 22:6 <b>five</b> <sup>[1]</sup> - 20:22 <b>folks</b> <sup>[1]</sup> - 17:1 <b>following</b> <sup>[1]</sup> - 2:1 <b>fooled</b> <sup>[1]</sup> - 9:12 <b>foregoing</b> <sup>[1]</sup> - 23:1 <b>form</b> <sup>[2]</sup> - 8:16, 21:25 <b>fortunately</b> <sup>[1]</sup> - 15:2 <b>forward</b> <sup>[1]</sup> - 3:16 <b>forwarded</b> <sup>[1]</sup> - 22:7 <b>frame</b> <sup>[1]</sup> - 20:19 <b>Frank</b> <sup>[1]</sup> - 19:6 <b>frank</b> <sup>[2]</sup> - 19:7, 19:13 <b>frankly</b> <sup>[4]</sup> - 3:21, 3:24, 4:11, 20:2 <b>Franz</b> <sup>[5]</sup> - 2:14, 2:20, 3:2, 6:15, 12:21 <b>frivolous</b> <sup>[4]</sup> - 4:21, 16:17, 16:18, 17:3 <b>front</b> <sup>[1]</sup> - 19:17	<b>hang</b> <sup>[1]</sup> - 14:8 <b>harass</b> <sup>[1]</sup> - 5:12 <b>harbor</b> <sup>[1]</sup> - 16:19 <b>hard</b> <sup>[1]</sup> - 22:10 <b>harmless</b> <sup>[1]</sup> - 20:7 <b>heard</b> <sup>[3]</sup> - 16:15, 20:15, 20:16 <b>helpful</b> <sup>[1]</sup> - 14:21 <b>hold</b> <sup>[2]</sup> - 15:1, 20:10 <b>Holderman</b> <sup>[1]</sup> - 19:17 <b>honest</b> <sup>[1]</sup> - 16:5 <b>Honor</b> <sup>[27]</sup> - 2:3, 2:13, 2:25, 3:9, 3:21, 7:11, 7:19, 8:10, 8:11, 8:23, 9:4, 10:4, 10:9, 11:20, 12:15, 13:4, 13:21, 14:5, 16:1, 16:10, 16:14, 16:24, 20:15, 20:23, 21:14, 21:18, 22:20 <b>Horn</b> <sup>[1]</sup> - 8:24 <b>hourly</b> <sup>[2]</sup> - 14:19, 15:8 <b>hours</b> <sup>[2]</sup> - 14:19, 14:23 <b>HOWE</b> <sup>[47]</sup> - 2:6, 2:10, 2:13, 2:20, 2:22, 2:24, 3:1, 3:5, 3:9, 7:11, 7:17, 7:19, 7:21, 8:4, 8:10, 8:14, 8:16, 8:19, 8:23, 9:3, 9:13, 9:17, 9:20, 9:24, 10:4, 10:9, 10:13, 10:17, 11:7, 11:15, 11:17, 11:19, 11:22, 11:25, 12:15, 12:20, 12:23, 13:2, 13:4, 13:8, 13:13, 13:15, 13:21, 15:15, 16:25, 20:15, 22:21 <b>howe</b> <sup>[1]</sup> - 7:5 <b>Howe</b> <sup>[4]</sup> - 2:6, 17:15, 17:18, 20:2 <b>huge</b> <sup>[1]</sup> - 6:5 <b>Hughes</b> <sup>[1]</sup> - 4:24 <b>hundred</b> <sup>[1]</sup> - 6:6	<b>Judge</b> <sup>[3]</sup> - 6:5, 19:5, 19:17 <b>judge</b> <sup>[2]</sup> - 13:18, 15:7 <b>judge's</b> <sup>[1]</sup> - 15:11 <b>July</b> <sup>[1]</sup> - 8:21 <b>June</b> <sup>[2]</sup> - 22:1, 22:3 <b>jurisdiction</b> <sup>[1]</sup> - 6:1
<b>G</b>	<b>I</b>	<b>K</b>
<b>Geannoris</b> <sup>[1]</sup> - 22:1 <b>GEANNORIS</b> <sup>[1]</sup> - 22:1 <b>generate</b> <sup>[1]</sup> - 14:24 <b>generic</b> <sup>[1]</sup> - 15:15 <b>ghost</b> <sup>[2]</sup> - 17:10, 19:2 <b>given</b> <sup>[3]</sup> - 3:12, 5:14, 6:9 <b>granted</b> <sup>[2]</sup> - 2:11, 3:2 <b>Green</b> <sup>[1]</sup> - 22:1	<b>idea</b> <sup>[3]</sup> - 5:9, 15:11, 15:13 <b>identity</b> <sup>[2]</sup> - 16:3, 16:4 <b>IEG</b> <sup>[1]</sup> - 8:20 <b>Illinois</b> <sup>[2]</sup> - 7:25, 23:4 <b>improper</b> <sup>[1]</sup> - 7:22 <b>included</b> <sup>[1]</sup> - 3:25 <b>including</b> <sup>[1]</sup> - 6:23 <b>individual</b> <sup>[4]</sup> - 12:1, 19:5, 19:11, 22:11 <b>information</b> <sup>[3]</sup> - 14:20, 15:7, 15:8 <b>inhibit</b> <sup>[1]</sup> - 15:22 <b>inquiries</b> <sup>[1]</sup> - 14:25 <b>inquiry</b> <sup>[1]</sup> - 13:24 <b>intentionally</b> <sup>[1]</sup> - 4:5 <b>interrupt</b> <sup>[1]</sup> - 20:17 <b>intimidate</b> <sup>[1]</sup> - 5:12 <b>involved</b> <sup>[1]</sup> - 15:4 <b>irrelevant</b> <sup>[1]</sup> - 15:14 <b>issue</b> <sup>[12]</sup> - 3:21, 4:15, 4:19, 4:20, 6:20, 9:13, 13:25, 14:2, 17:23, 18:25,	<b>L</b>
		<b>keep</b> <sup>[1]</sup> - 12:4 <b>kick</b> <sup>[1]</sup> - 9:4 <b>kind</b> <sup>[4]</sup> - 5:4, 5:11, 13:11, 20:11 <b>Kolinek</b> <sup>[2]</sup> - 2:2, 2:4
		<b>language</b> <sup>[1]</sup> - 4:4 <b>last</b> <sup>[1]</sup> - 22:14 <b>law</b> <sup>[1]</sup> - 18:16 <b>Law</b> <sup>[1]</sup> - 8:22 <b>Lawrence</b> <sup>[1]</sup> - 14:14 <b>lawsuit</b> <sup>[1]</sup> - 10:22 <b>lawyer</b> <sup>[1]</sup> - 16:12 <b>lawyers</b> <sup>[5]</sup> - 6:19, 7:3, 14:19, 17:2 <b>lead</b> <sup>[1]</sup> - 2:14 <b>learned</b> <sup>[1]</sup> - 17:9 <b>leave</b> <sup>[2]</sup> - 3:22, 6:11 <b>Leavitt</b> <sup>[1]</sup> - 13:5 <b>left</b> <sup>[1]</sup> - 4:17 <b>legitimacy</b> <sup>[1]</sup> - 16:5 <b>legitimate</b> <sup>[2]</sup> - 15:18, 15:24 <b>less</b> <sup>[2]</sup> - 15:21, 18:15 <b>letter</b> <sup>[3]</sup> - 8:17, 9:4, 16:19 <b>level</b> <sup>[4]</sup> - 11:18, 12:12, 13:10, 18:23 <b>lifeLock</b> <sup>[1]</sup> - 8:19 <b>likelihood</b> <sup>[1]</sup> - 14:24 <b>likely</b> <sup>[1]</sup> - 15:21 <b>litigation</b> <sup>[5]</sup> - 9:10, 14:13, 14:16, 14:17, 14:20 <b>live</b> <sup>[1]</sup> - 21:11 <b>lo</b> <sup>[1]</sup> - 5:2 <b>local</b> <sup>[2]</sup> - 2:15, 5:1 <b>lodging</b> <sup>[1]</sup> - 4:21 <b>look</b> <sup>[2]</sup> - 4:23, 11:4 <b>looked</b> <sup>[2]</sup> - 7:24 <b>looking</b> <sup>[10]</sup> - 6:15, 12:11, 12:14, 12:17, 12:18, 12:20, 12:21, 12:22, 17:12, 17:13

<p><b>low</b> <sup>[1]</sup> - 15:21</p> <p><b>Ltd</b> <sup>[1]</sup> - 14:14</p>	<p><b>named</b> <sup>[2]</sup> - 11:4, 21:25</p> <p><b>nastier</b> <sup>[1]</sup> - 5:5</p> <p><b>nationwide</b> <sup>[1]</sup> - 8:24</p> <p><b>necessarily</b> <sup>[1]</sup> - 16:22</p> <p><b>necessary</b> <sup>[2]</sup> - 9:21, 12:2</p> <p><b>necessity</b> <sup>[1]</sup> - 7:21</p> <p><b>need</b> <sup>[5]</sup> - 7:21, 15:8, 16:11, 21:16</p> <p><b>needed</b> <sup>[2]</sup> - 21:20, 21:22</p> <p><b>Netflix</b> <sup>[3]</sup> - 6:4, 18:5, 19:12</p> <p><b>never</b> <sup>[3]</sup> - 4:8, 16:20, 19:12</p> <p><b>nobody</b> <sup>[1]</sup> - 8:7</p> <p><b>non</b> <sup>[2]</sup> - 6:21, 6:23</p> <p><b>non-privileged</b> <sup>[2]</sup> - 6:21, 6:23</p> <p><b>none</b> <sup>[3]</sup> - 15:9, 17:23, 17:24</p> <p><b>Northern</b> <sup>[4]</sup> - 7:25, 8:6, 8:25, 23:4</p> <p><b>note</b> <sup>[3]</sup> - 16:14, 22:2, 22:5</p> <p><b>notice</b> <sup>[1]</sup> - 7:7</p> <p><b>notorious</b> <sup>[1]</sup> - 19:9</p> <p><b>number</b> <sup>[5]</sup> - 2:11, 4:16, 8:20, 13:1, 22:9</p>	<p><b>oral</b> <sup>[1]</sup> - 2:18</p> <p><b>orally</b> <sup>[1]</sup> - 8:9</p> <p><b>Order</b> <sup>[1]</sup> - 21:9</p> <p><b>order</b> <sup>[5]</sup> - 3:3, 4:1, 4:22, 15:17, 16:9</p> <p><b>orders</b> <sup>[1]</sup> - 3:7</p> <p><b>overbroad</b> <sup>[3]</sup> - 10:5, 20:12, 20:19</p> <p><b>overly</b> <sup>[1]</sup> - 20:20</p>
<p><b>M</b></p>	<p><b>O</b></p>	<p><b>P</b></p>
<p><b>mailed</b> <sup>[1]</sup> - 22:3</p> <p><b>Manual</b> <sup>[1]</sup> - 11:20</p> <p><b>Marketing</b> <sup>[1]</sup> - 8:19</p> <p><b>matter</b> <sup>[2]</sup> - 5:19, 23:1</p> <p><b>matters</b> <sup>[2]</sup> - 14:25, 21:3</p> <p><b>McDonald</b> <sup>[3]</sup> - 2:13, 2:22, 17:2</p> <p><b>mean</b> <sup>[1]</sup> - 10:14</p> <p><b>means</b> <sup>[1]</sup> - 22:5</p> <p><b>meant</b> <sup>[1]</sup> - 5:11</p> <p><b>Melinda</b> <sup>[3]</sup> - 2:25, 3:1, 3:2</p> <p><b>member</b> <sup>[4]</sup> - 7:14, 12:7, 21:1, 21:21</p> <p><b>members</b> <sup>[10]</sup> - 3:15, 4:18, 4:25, 5:7, 7:23, 10:25, 11:4, 12:1, 15:16, 19:15</p> <p><b>membership</b> <sup>[1]</sup> - 6:21</p> <p><b>merit</b> <sup>[1]</sup> - 18:18</p> <p><b>meritorious</b> <sup>[1]</sup> - 18:15</p> <p><b>merits</b> <sup>[1]</sup> - 17:24</p> <p><b>met</b> <sup>[3]</sup> - 4:6, 4:11, 9:9</p> <p><b>might</b> <sup>[2]</sup> - 20:15, 20:16</p> <p><b>million</b> <sup>[1]</sup> - 6:5</p> <p><b>Minks</b> <sup>[3]</sup> - 22:15, 22:16, 22:17</p> <p><b>modification</b> <sup>[2]</sup> - 21:5, 21:6</p> <p><b>moment</b> <sup>[2]</sup> - 12:15, 20:10</p> <p><b>money</b> <sup>[1]</sup> - 19:14</p> <p><b>moonlight</b> <sup>[1]</sup> - 19:18</p> <p><b>moonlights</b> <sup>[1]</sup> - 19:8</p> <p><b>morning</b> <sup>[2]</sup> - 2:3, 16:16</p> <p><b>Motion</b> <sup>[2]</sup> - 21:7, 21:8</p> <p><b>motion</b> <sup>[17]</sup> - 2:8, 2:12, 2:16, 2:18, 3:3, 6:15, 8:11, 11:19, 12:11, 12:13, 12:18, 12:21, 12:22, 12:23, 13:9, 15:2, 21:6</p> <p><b>motions</b> <sup>[2]</sup> - 3:6, 4:23</p> <p><b>motivations</b> <sup>[1]</sup> - 18:19</p> <p><b>motive</b> <sup>[1]</sup> - 7:22</p> <p><b>move</b> <sup>[1]</sup> - 5:22</p> <p><b>moved</b> <sup>[2]</sup> - 14:14, 21:12</p> <p><b>moving</b> <sup>[1]</sup> - 13:22</p> <p><b>MR</b> <sup>[69]</sup> - 2:3, 2:6, 2:10, 2:13, 2:20, 2:22, 2:24, 2:25, 3:1, 3:5, 3:9, 3:18, 3:20, 4:4, 4:10, 6:3, 7:11, 7:17, 7:19, 7:21, 8:4, 8:10, 8:14, 8:16, 8:19, 8:23, 9:3, 9:13, 9:17, 9:20, 9:24, 10:4, 10:9, 10:13, 10:17, 11:7, 11:15, 11:17, 11:19, 11:22, 11:25, 12:15, 12:20, 12:23, 13:2, 13:4, 13:8, 13:13, 13:15, 13:21, 14:5, 15:15, 16:24, 16:25, 17:9, 17:14, 17:16, 18:1, 18:4, 19:24, 20:15, 20:23, 21:14, 21:18, 22:11, 22:15, 22:17, 22:20, 22:21</p> <p><b>must</b> <sup>[1]</sup> - 12:17</p>	<p><b>object</b> <sup>[3]</sup> - 4:18, 18:14</p> <p><b>objected</b> <sup>[3]</sup> - 16:20, 18:5, 19:6</p> <p><b>objecting</b> <sup>[3]</sup> - 9:19, 11:13, 14:3</p> <p><b>objection</b> <sup>[9]</sup> - 5:3, 5:8, 6:22, 10:15, 12:10, 16:3, 16:6, 16:12, 18:18</p> <p><b>objections</b> <sup>[23]</sup> - 3:16, 4:21, 5:15, 5:16, 6:6, 10:17, 11:11, 15:18, 15:21, 15:24, 16:8, 16:11, 16:16, 16:17, 16:20, 18:3, 18:8, 18:9, 18:16, 18:17, 19:9, 19:18, 20:21</p> <p><b>objector</b> <sup>[14]</sup> - 2:14, 2:20, 6:18, 7:3, 7:15, 9:17, 9:20, 12:10, 15:23, 16:4, 17:4, 17:8, 17:10, 18:5</p> <p><b>objectors</b> <sup>[20]</sup> - 2:7, 4:13, 4:15, 4:16, 4:20, 4:21, 4:24, 5:7, 7:1, 10:16, 14:17, 15:9, 15:19, 15:24, 18:10, 19:4, 19:9, 20:1, 20:4</p> <p><b>occur</b> <sup>[1]</sup> - 3:21</p> <p><b>offense</b> <sup>[2]</sup> - 18:6, 18:11</p> <p><b>offered</b> <sup>[1]</sup> - 14:23</p> <p><b>office</b> <sup>[1]</sup> - 9:3</p> <p><b>Official</b> <sup>[1]</sup> - 23:3</p> <p><b>often</b> <sup>[1]</sup> - 3:11</p> <p><b>Ohio</b> <sup>[1]</sup> - 8:25</p> <p><b>old</b> <sup>[1]</sup> - 7:16</p> <p><b>Oldham</b> <sup>[1]</sup> - 4:24</p> <p><b>once</b> <sup>[1]</sup> - 20:14</p> <p><b>one</b> <sup>[14]</sup> - 5:17, 6:20, 11:11, 11:13, 12:15, 12:18, 17:9, 18:8, 19:21, 20:13, 21:4, 21:6, 21:7</p> <p><b>One</b> <sup>[1]</sup> - 19:16</p> <p><b>one-day</b> <sup>[1]</sup> - 5:17</p> <p><b>ongoing</b> <sup>[1]</sup> - 4:10</p> <p><b>open</b> <sup>[2]</sup> - 2:1, 4:6</p> <p><b>opinion</b> <sup>[3]</sup> - 8:7, 14:8, 19:3</p> <p><b>opinions</b> <sup>[2]</sup> - 8:10, 9:6</p> <p><b>opt</b> <sup>[1]</sup> - 22:9</p>	<p><b>page</b> <sup>[8]</sup> - 12:13, 12:16, 12:17, 12:19, 13:3, 13:13, 13:14, 14:13</p> <p><b>paid</b> <sup>[1]</sup> - 14:15</p> <p><b>Palmer</b> <sup>[1]</sup> - 19:10</p> <p><b>palmer</b> <sup>[1]</sup> - 19:11</p> <p><b>Pam</b> <sup>[1]</sup> - 22:13</p> <p><b>Paper</b> <sup>[2]</sup> - 13:13, 14:12</p> <p><b>paper</b> <sup>[1]</sup> - 13:22</p> <p><b>paragraph</b> <sup>[1]</sup> - 14:11</p> <p><b>part</b> <sup>[5]</sup> - 11:3, 21:10, 21:11</p> <p><b>particular</b> <sup>[2]</sup> - 6:18, 16:4</p> <p><b>parties</b> <sup>[4]</sup> - 11:12, 11:14, 19:21, 20:1</p> <p><b>party</b> <sup>[1]</sup> - 19:21</p> <p><b>past</b> <sup>[5]</sup> - 4:20, 6:13, 10:21, 18:16, 19:1</p> <p><b>pasting</b> <sup>[1]</sup> - 18:17</p> <p><b>payout</b> <sup>[1]</sup> - 4:22</p> <p><b>Pearson</b> <sup>[1]</sup> - 19:3</p> <p><b>pending</b> <sup>[1]</sup> - 6:4</p> <p><b>people</b> <sup>[5]</sup> - 6:5, 11:3, 14:3, 18:3, 18:11</p> <p><b>perhaps</b> <sup>[1]</sup> - 20:13</p> <p><b>permit</b> <sup>[2]</sup> - 8:11, 13:23</p> <p><b>permitted</b> <sup>[1]</sup> - 12:2</p> <p><b>person</b> <sup>[6]</sup> - 2:23, 6:24, 10:2, 21:1, 22:9, 22:13</p> <p><b>personal</b> <sup>[1]</sup> - 16:14</p> <p><b>phonetic</b> <sup>[1]</sup> - 5:1</p> <p><b>plaintiff</b> <sup>[1]</sup> - 2:4</p> <p><b>plays</b> <sup>[2]</sup> - 9:17, 9:20</p> <p><b>plenty</b> <sup>[1]</sup> - 15:7</p> <p><b>Plews</b> <sup>[1]</sup> - 17:1</p> <p><b>pocket</b> <sup>[2]</sup> - 13:17, 15:3</p> <p><b>point</b> <sup>[11]</sup> - 5:24, 9:7, 10:4, 12:5, 16:14, 17:24, 18:5, 18:21, 18:23, 19:3, 19:22</p> <p><b>points</b> <sup>[3]</sup> - 5:10, 7:11, 17:16</p> <p><b>Posner</b> <sup>[1]</sup> - 19:5</p> <p><b>Post</b> <sup>[1]</sup> - 22:4</p> <p><b>Post-it</b> <sup>[1]</sup> - 22:4</p> <p><b>potentially</b> <sup>[1]</sup> - 21:3</p> <p><b>precise</b> <sup>[2]</sup> - 9:9, 11:8</p> <p><b>preliminary</b> <sup>[1]</sup> - 4:1</p> <p><b>prepared</b> <sup>[1]</sup> - 16:10</p> <p><b>pretty</b> <sup>[4]</sup> - 5:19, 7:16, 13:21, 14:7</p> <p><b>privilege</b> <sup>[2]</sup> - 14:25, 16:15</p> <p><b>privileged</b> <sup>[2]</sup> - 6:21, 6:23</p> <p><b>problem</b> <sup>[2]</sup> - 19:2, 22:3</p> <p><b>proceed</b> <sup>[1]</sup> - 20:8</p> <p><b>proceeding</b> <sup>[1]</sup> - 9:23</p> <p><b>proceedings</b> <sup>[3]</sup> - 2:1, 22:22, 23:1</p> <p><b>process</b> <sup>[2]</sup> - 5:12, 5:16</p>
<p><b>N</b></p>		
<p><b>name</b> <sup>[6]</sup> - 2:21, 2:23, 5:8, 19:5, 22:13, 22:14</p>		

<p><b>professional</b> [6] - 4:21, 5:6, 16:16, 16:20, 17:4, 17:10</p> <p><b>professionals</b> [1] - 6:6</p> <p><b>promoting</b> [1] - 11:12</p> <p><b>proper</b> [1] - 7:7</p> <p><b>protect</b> [1] - 19:15</p> <p><b>protective</b> [1] - 3:7</p> <p><b>Protective</b> [1] - 21:9</p> <p><b>provide</b> [2] - 9:5, 9:6</p> <p><b>provision</b> [1] - 3:25</p> <p><b>pull</b> [2] - 13:16, 20:14</p> <p><b>pulling</b> [1] - 10:20</p> <p><b>purpose</b> [1] - 14:18</p> <p><b>put</b> [1] - 8:16</p> <p><b>putative</b> [1] - 10:23</p> <p><b>putting</b> [3] - 7:6, 20:10</p> <p style="text-align: center;"><b>Q</b></p> <p><b>Quash</b> [2] - 21:7, 21:8</p> <p><b>quash</b> [2] - 3:7, 21:7</p> <p><b>questions</b> [3] - 7:6, 7:7, 17:6</p> <p><b>quick</b> [2] - 17:16, 17:17</p> <p><b>quite</b> [4] - 4:11, 5:14, 10:25, 20:2</p> <p><b>quote</b> [6] - 7:13, 13:23, 14:1, 14:11, 14:13</p>	<p>20:18</p> <p><b>requested</b> [1] - 2:15</p> <p><b>requests</b> [5] - 17:7, 20:9, 20:11, 20:24, 20:25</p> <p><b>require</b> [1] - 14:15</p> <p><b>requirement</b> [1] - 20:3</p> <p><b>respect</b> [7] - 4:22, 7:23, 9:13, 10:17, 16:2, 16:10, 16:20</p> <p><b>respond</b> [3] - 16:19, 17:15, 17:24</p> <p><b>response</b> [1] - 16:7</p> <p><b>rest</b> [1] - 21:2</p> <p><b>retained</b> [1] - 17:8</p> <p><b>retainer</b> [3] - 6:17, 6:18, 20:24</p> <p><b>returning</b> [1] - 9:7</p> <p><b>reviewed</b> [1] - 14:22</p> <p><b>revise</b> [1] - 11:7</p> <p><b>revisit</b> [1] - 11:5</p> <p><b>Richman</b> [1] - 2:4</p> <p><b>role</b> [3] - 9:11, 9:18, 9:20</p> <p><b>RPR</b> [1] - 23:5</p> <p><b>Rule</b> [3] - 7:7, 16:17, 20:5</p> <p><b>rule</b> [1] - 16:10</p> <p><b>ruled</b> [2] - 8:9, 22:19</p> <p><b>ruling</b> [2] - 20:16, 20:17</p> <p><b>rulings</b> [1] - 14:22</p> <p><b>run</b> [1] - 20:20</p>	<p><b>showing</b> [1] - 6:19</p> <p><b>sic</b> [1] - 2:22</p> <p><b>side</b> [1] - 5:5</p> <p><b>signed</b> [1] - 19:12</p> <p><b>simply</b> [2] - 10:5, 17:4</p> <p><b>simultaneously</b> [2] - 20:6</p> <p><b>single</b> [1] - 8:1</p> <p><b>six</b> [1] - 6:16</p> <p><b>six-item</b> [1] - 6:16</p> <p><b>slip</b> [1] - 8:10</p> <p><b>somewhat</b> [1] - 5:4</p> <p><b>somewhere</b> [2] - 2:9, 22:6</p> <p><b>soon</b> [1] - 9:3</p> <p><b>sought</b> [3] - 5:6, 8:2, 14:20</p> <p><b>Southern</b> [1] - 8:20</p> <p><b>Southwest</b> [2] - 3:23, 19:6</p> <p><b>speaking</b> [1] - 22:17</p> <p><b>specific</b> [2] - 15:16, 16:1</p> <p><b>spoken</b> [1] - 22:11</p> <p><b>stage</b> [4] - 3:12, 4:9, 9:10, 9:11</p> <p><b>state</b> [1] - 20:18</p> <p><b>statement</b> [1] - 4:14</p> <p><b>states</b> [1] - 11:22</p> <p><b>Stay</b> [1] - 21:9</p> <p><b>stepped</b> [1] - 3:16</p> <p><b>still</b> [1] - 10:22</p> <p><b>strike</b> [1] - 15:4</p> <p><b>struck</b> [1] - 9:8</p> <p><b>stuff</b> [1] - 7:1</p> <p><b>subject</b> [1] - 15:19</p> <p><b>submitted</b> [1] - 8:12</p> <p><b>subpoena</b> [9] - 17:12, 19:20, 19:23, 20:4, 20:9, 20:10, 20:12, 20:18, 21:4</p> <p><b>subpoenas</b> [1] - 21:5</p> <p><b>substance</b> [1] - 7:9</p> <p><b>substitute</b> [3] - 2:12, 2:16, 2:18</p> <p><b>suggesting</b> [1] - 17:3</p> <p><b>support</b> [1] - 6:22</p> <p><b>system</b> [1] - 15:17</p>
<p style="text-align: center;"><b>R</b></p>	<p style="text-align: center;"><b>S</b></p>	
<p><b>radioShack</b> [1] - 19:4</p> <p><b>Rafey</b> [1] - 2:3</p> <p><b>raise</b> [1] - 21:22</p> <p><b>rates</b> [3] - 14:19, 14:24, 15:8</p> <p><b>rather</b> [1] - 21:5</p> <p><b>Re</b> [1] - 14:12</p> <p><b>read</b> [1] - 10:21</p> <p><b>real</b> [3] - 17:17, 18:10, 19:2</p> <p><b>really</b> [1] - 21:16</p> <p><b>reason</b> [2] - 9:9, 15:10</p> <p><b>reasonable</b> [1] - 14:19</p> <p><b>reasonableness</b> [2] - 14:1, 14:3</p> <p><b>reasons</b> [1] - 15:15</p> <p><b>received</b> [2] - 21:24</p> <p><b>recollection</b> [2] - 10:19, 10:20</p> <p><b>record</b> [7] - 5:18, 5:21, 8:14, 13:24, 16:10, 18:22, 23:1</p> <p><b>records</b> [2] - 6:19, 17:13</p> <p><b>Redman</b> [1] - 19:4</p> <p><b>referred</b> [1] - 12:13</p> <p><b>Refusal</b> [1] - 13:23</p> <p><b>regard</b> [1] - 20:1</p> <p><b>relate</b> [1] - 6:24</p> <p><b>relates</b> [2] - 12:10, 21:2</p> <p><b>relating</b> [3] - 3:8, 6:17, 12:12</p> <p><b>relationship</b> [1] - 7:4</p> <p><b>relatively</b> [1] - 4:9</p> <p><b>relevant</b> [4] - 14:21, 15:5, 20:25, 21:2</p> <p><b>Reporter</b> [1] - 23:3</p> <p><b>request</b> [5] - 6:17, 10:15, 14:1, 14:18,</p>	<p><b>safe</b> [1] - 16:19</p> <p><b>save</b> [1] - 17:19</p> <p><b>scenario</b> [1] - 6:3</p> <p><b>scores</b> [1] - 18:23</p> <p><b>second</b> [9] - 9:16, 10:4, 13:3, 14:8, 15:16, 16:1, 18:21, 20:14, 22:8</p> <p><b>secondly</b> [1] - 17:11</p> <p><b>see</b> [4] - 8:3, 20:11, 21:19, 22:19</p> <p><b>seek</b> [4] - 3:22, 7:14, 7:22, 15:23</p> <p><b>seeking</b> [2] - 6:11, 16:8</p> <p><b>send</b> [1] - 17:7</p> <p><b>sending</b> [1] - 16:18</p> <p><b>sense</b> [2] - 15:13, 15:14</p> <p><b>sent</b> [1] - 22:6</p> <p><b>sentences</b> [1] - 14:12</p> <p><b>serve</b> [3] - 17:18, 19:22, 20:4</p> <p><b>served</b> [2] - 19:20, 20:5</p> <p><b>set</b> [1] - 15:17</p> <p><b>settled</b> [1] - 4:9</p> <p><b>settlement</b> [11] - 2:5, 9:14, 10:15, 11:11, 11:12, 11:13, 12:10, 14:4, 16:21, 18:6, 19:6</p> <p><b>settling</b> [1] - 14:15</p> <p><b>seven</b> [1] - 6:16</p> <p><b>Seventh</b> [5] - 7:12, 10:7, 11:9, 11:15, 19:3</p> <p><b>several</b> [2] - 14:21, 16:15</p> <p><b>severe</b> [1] - 7:13</p> <p><b>Shadley</b> [1] - 17:1</p> <p><b>short</b> [1] - 19:19</p> <p><b>show</b> [2] - 7:21, 21:1</p>	<p style="text-align: center;"><b>T</b></p> <p><b>talks</b> [1] - 11:10</p> <p><b>Ted</b> [1] - 19:5</p> <p><b>terminology</b> [1] - 18:7</p> <p><b>terms</b> [1] - 19:20</p> <p><b>testimony</b> [1] - 17:12</p> <p><b>THE</b> [64] - 2:2, 2:8, 2:11, 2:18, 2:21, 2:23, 3:2, 3:6, 3:10, 3:19, 4:2, 4:8, 6:2, 6:13, 7:16, 7:18, 7:20, 8:3, 8:6, 8:13, 8:15, 8:18, 8:22, 9:1, 9:12, 9:16, 9:19, 9:22, 10:1, 10:6, 10:10, 10:14, 10:18, 11:9, 11:16, 11:18, 11:21, 11:23, 12:4, 12:17, 12:21, 12:25, 13:3, 13:6, 13:9, 13:14, 13:16, 14:2, 14:7, 16:22, 17:6, 17:11, 17:15, 17:19, 18:2, 19:19, 20:1, 20:16, 20:24, 21:15, 21:19, 22:13, 22:16, 22:18</p> <p><b>they've</b> [1] - 18:16</p> <p><b>thinks</b> [1] - 17:21</p>

<b>third</b> <sup>[1]</sup> - 13:15 <b>Third</b> <sup>[1]</sup> - 15:6 <b>three</b> <sup>[1]</sup> - 14:12 <b>timing</b> <sup>[3]</sup> - 5:11, 7:6, 18:21 <b>Timothy</b> <sup>[1]</sup> - 11:20 <b>today</b> <sup>[5]</sup> - 5:2, 8:9, 17:22, 17:23, 21:12 <b>transcript</b> <sup>[1]</sup> - 23:1 <b>trying</b> <sup>[1]</sup> - 22:12 <b>two</b> <sup>[4]</sup> - 3:6, 7:11, 15:15, 21:21 <b>type</b> <sup>[3]</sup> - 5:17, 15:22, 18:24 <b>types</b> <sup>[1]</sup> - 19:14	<b>writing</b> <sup>[1]</sup> - 19:2 <b>written</b> <sup>[1]</sup> - 17:10 <b>wrote</b> <sup>[1]</sup> - 6:25
<b>Y</b>	
	<b>years</b> <sup>[1]</sup> - 20:22 <b>yesterday</b> <sup>[3]</sup> - 2:14, 21:24, 21:25
<b>Z</b>	
	<b>zip</b> <sup>[1]</sup> - 15:9
<b>U</b>	
<b>unbelievably</b> <sup>[1]</sup> - 18:7 <b>under</b> <sup>[1]</sup> - 7:7 <b>underlying</b> <sup>[1]</sup> - 14:16 <b>understood</b> <sup>[1]</sup> - 18:1 <b>unfortunately</b> <sup>[1]</sup> - 5:4 <b>unintentionally</b> <sup>[1]</sup> - 4:5 <b>unless</b> <sup>[2]</sup> - 9:1, 22:18 <b>unnamed</b> <sup>[3]</sup> - 3:15, 10:25, 12:7 <b>unrelated</b> <sup>[2]</sup> - 16:13, 21:21 <b>unwarranted</b> <sup>[1]</sup> - 17:21 <b>up</b> <sup>[15]</sup> - 4:2, 5:20, 5:21, 5:23, 6:7, 7:18, 10:11, 10:20, 10:25, 13:17, 15:17, 19:12, 20:14 <b>utility</b> <sup>[1]</sup> - 19:4	
<b>V</b>	
<b>validity</b> <sup>[1]</sup> - 16:5 <b>Van</b> <sup>[1]</sup> - 8:24 <b>vendetta</b> <sup>[1]</sup> - 4:14 <b>view</b> <sup>[1]</sup> - 5:12 <b>violation</b> <sup>[1]</sup> - 20:5 <b>vis-à-vis</b> <sup>[1]</sup> - 9:24	
<b>W</b>	
<b>wait</b> <sup>[1]</sup> - 9:16 <b>Walgreen</b> <sup>[1]</sup> - 2:2 <b>Walgreens</b> <sup>[8]</sup> - 4:11, 9:14, 9:15, 9:25, 10:2, 19:22, 20:6 <b>Walgreens'</b> <sup>[1]</sup> - 4:12 <b>Walner</b> <sup>[1]</sup> - 14:14 <b>wants</b> <sup>[3]</sup> - 11:1, 11:2, 22:9 <b>weakness</b> <sup>[1]</sup> - 3:20 <b>week</b> <sup>[1]</sup> - 21:12 <b>West</b> <sup>[1]</sup> - 8:22 <b>whatnot</b> <sup>[1]</sup> - 5:15 <b>wish</b> <sup>[2]</sup> - 7:14, 8:14 <b>withdrawn</b> <sup>[1]</sup> - 18:9 <b>withdrew</b> <sup>[1]</sup> - 5:3 <b>won</b> <sup>[1]</sup> - 15:3 <b>words</b> <sup>[2]</sup> - 6:25, 13:10 <b>write</b> <sup>[1]</sup> - 8:7 <b>writes</b> <sup>[1]</sup> - 19:8	